

60.130-1294
00MRA0564**REMARKS**

Reconsideration and allowance are respectfully requested. Claims 1, 3-5, and 17 are currently pending and stand finally rejected by the Examiner. Applicants have amended claim 1. No new matter has been added. The foregoing amendment and the following remarks place this application in condition for allowance or, in the alternative, in better form for appeal. Entry of this Amendment is therefore respectfully requested.

Formal issues

The Office Action objected to the drawings because it was unclear where the cross-sectional views of Figures 4, 5, 8 and 9 were taken from. Applicants note that Figures 4, 5 and 9 are cross-section views of alternative inside door arrangements in the area A shown in Figure 1 and therefore reflect the same general view as Figure 2 (specification, paragraphs 11-13 and 65). Similarly, Figure 8 is a cross-section view of an alternative inside sill button arrangement in the area B shown in Figure 6 and therefore reflects the same general view as Figure 7 but in section view (specification, paragraphs 16-17 and 60). The current drawings therefore conform to formal requirements, and withdrawal of the objection to the drawings is respectfully requested.

§ 103 rejection

Claims 1 and 17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,904,002 to Emerling et al. ("Emerling"). Applicant respectfully traverses this rejection.

The Office Action admitted that Emerling fails to disclose the claimed seal between the manually actuatable element and a trim panel, but argued that providing such a seal would have been obvious because Emerling allegedly "teaches the use of a seal between an outer panel and the handle and would have been obvious to one of ordinary skill in the art to provide a seal between the inside handle (the actuatable element) and the inside trim panel thereby preventing moisture from entering the interior space which is separated by the inner and outer panels" (pp. 2-3). Applicant respectfully disagrees.

The claims currently recite a seal that seals a manually actuatable element relative to a trim panel to prevent moisture from passing to a vehicle interior side of the trim panel. The seal 110

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in Emerling acts between an outer panel and a carrier 102, not the outer panel and a handle as alleged by the Office Action. As clearly shown in Figures 14-16, the seal 110 does not seal any manually operable element relative to a trim panel to prevent moisture from reaching to a vehicle interior (see, e.g., Figure 16, where the seal 110 does not even contact arms 106, 107 associated with a door handle, let alone form a moisture-barrier seal with respect to a trim panel). As can be seen in Figures 14-16, the adhesive backed seal 110 is unable to prevent water from seeping through the extensive number of holes in the carrier 102 and the outer panel 113 (e.g., the key barrel hole, slots 108 and 109, and the screw holes between slots 111 and 112).

Emerling does not attribute any moisture management features to the seal 110. The only water management features taught in Emerling are weather seals along glass run channels or edge guides 48, 50, a belt line glass seal 56, and a water management sheet 68 to inhibit water from passing from the interior of the door into the passenger compartment (Figures 1 and 2; col. 4, lines 5-23). Emerling also teaches a watershield 400 that is sealed by an adhesive bead 402 over selected door panel components (col. 6, lines 60-65; Figures 11-13). The seal 110 is therefore apparently used only to improve the fit between the carrier 102 against the outer panel 113 and not for moisture management purposes. One of ordinary skill in the art would not have attributed moisture management features to a seal 110 that performs no moisture sealing function.

Note that there is also no motivation to provide moisture management properties in the seal 110 because the carrier 102 will be disposed in a "wet" region of the vehicle door after being attached to the outer panel 113, where moisture seepage is less of a concern because any moisture will be blocked from entering the vehicle interior by the water management sheet 68 and watershield 400 dividing the vehicle door into wet and dry regions. One of ordinary skill in the art would not have been led to seal any manually actuatable element with respect to a trim panel in a dry region given the comprehensive nature of Emerling's water management system.

The Office Action has not explained the motivation to modify Emerling to obtain a seal that seals a manually operable element relative to a trim panel. Instead, the Office Action simply stated that the modification would have been obvious. However, "[t]he mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination." MPEP § 2143.01. To obtain the claimed invention from the teachings of Emerling, one of ordinary skill in the art would have had to (1)

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modify the seal 110 so that it blocks moisture rather than improve fit; (2) move the seal 110 so that it seals manually operable elements rather than the carrier 102; and (3) reconfigure the seal so that it seals relative to a trim panel in a dry region rather than an outer panel in a wet region, absent any suggestion to do so and despite the fact that Emerling already teaches a comprehensive water management system that does not include seals sealing any manually operable elements. The Office Action therefore fails to establish a prima facie case of obviousness with respect to claims 1 and 17, and withdrawal of the rejection is respectfully requested.

Applicant thanks the Examiner for indicating that claims 3-5 contain allowable subject matter. As noted above, however, Emerling fails to suggest the subject matter of any of the pending claims. Thus, claims 3-5 are allowable with no further modification.

All objections and rejections having been addressed, it is respectfully submitted that the present application is in condition for allowance, and a Notice to that effect is earnestly solicited.

Applicant believes that no additional fees are necessary, however, the Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds for any additional fees or credit the account for any overpayment.

Respectfully submitted,

CARLSON, GASKEY & OLDS, P.C.

By: 

Anna M. Shih
Reg. No. 36, 372
400 W. Maple Road, Suite 350
Birmingham, MI 48009
(248) 988-8360

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